



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Variance

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

V 3-4-00 Frank and Sharon Cornelius, petitioner/owner - 14120 SW 24 Street/Generally located on the north side of SW 24 Street, half-way between SW 139 Avenue and SW 142 Avenue.

REPORT IN BRIEF:

The petitioner has indicated that the purpose of this request is to provide for sufficient area in order to maneuver a toe hitch trailer into an accessory carport structure to be located at the rear of the property. Staff contacted the petitioner's engineer to verify what resource material was used to determine that a minimum 25 foot setback is necessary to accommodate a sufficient radius movement of the combined 50 foot length of the truck and trailer (see attached engineer's letter). The American Institute of Architecture, Architectural Graphics Standards, 7th Addition was used. For purposes of this request, staff has verified that this resource book is acceptable for purposes of radius movements for toe hitch vehicles by length.

Staff has visited the site and finds that guest houses, barns, storage shed buildings, and outside storage of boats and trailers are typical in the area. Staff also reviewed 1999 aerial photographs of the area and identified that the establish development pattern in the general area indicates accessory structures which are setback at close distances to the rear property lines, however, not in the immediate subject site area. Many such structures exist within 5 feet of the rear property line as they were constructed at a time when Town Code required only a 5 foot rear yard setback for accessory structures.

The property directly to the east is vacant, the property to the south has horses and farm equipment on-site, the property to the west has a storage shed with various materials stored in the open, and the property to the north, across SW 24 Street, would be buffered from view of the proposed carport by the principal structure on the subject site. The petitioner has also provided signatures of some of the surrounding property owners who have no objection to this request (see attached signatures).

Staff believes there may be practical hardships which apply to this site for purposes of this request, due to limited maneuvering capabilities and building placement under existing site conditions, and that this request would not be injurious to the surrounding area. However, when applying the strict application of the code staff finds that this request can be considered to be self-created, and if denied the petitioner would still has reasonable use of the property.

PREVIOUS ACTIONS: None.

CONCURRENCES: The Planning and Zoning Board recommended approval of the application as submitted subject to the applicant having the structure maintained as a carport and utility room only, and with landscaping being added along the east property line (motion carried 3-0, Mr. Stahl absent, April 26, 200).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to deny.

Attachment(s): Planning Report, Plot Plan, Land Use Map, Subject Site Map, and Aerial.

Application #: V 3-4-00

Revisions:

Exhibit "A":

Original Report Date: 4/19/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Agent:

Name: Frank S. Cornelius &
Sharon Cornelius
Address: 14120 SW 24 Street
City: Davie, FL 33325
Phone: (954) 476-7061

Name: Frank S. Cornelius &
Sharon Cornelius
Address: 14120 SW 24 Street
City: Davie, FL 33325
Phone: (954) 476-7061

BACKGROUND INFORMATION

Application Request: To reduce the required rear yard setback for an accessory structure from 40 feet to 25 feet in the R-1, Estate Dwelling District.

Address/Location: 14120 SW 24 Street/Generally located on the north side of SW 24 Street, half-way between SW 139 Avenue and SW 142 Avenue.

Future Land Plan Use Designation: Residential (1 du/ac)

Zoning: R-1, Estate Dwelling District

Existing Use: Single-family residential home

Proposed Use: Single-family residential home with a detached carport.

Parcel Size: .97 acres (42,342 square feet)

Surrounding Uses:

Surrounding Land Use:

North: Single-family residential
South: Single-family residential
East: Single-family residential
West: Single-family residential

Residential (1 du/ac)
Residential (1 du/ac)
Residential (1 du/ac)
Residential (1 du/ac)

Surrounding Zoning:

North: R-1, Estate Dwelling District, across SW 24 Street

South: R-1, Estate Dwelling District
East: R-1, Estate Dwelling District
West: R-1, Estate Dwelling District

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: None.

DEVELOPMENT PLAN DETAILS

This site includes an existing 2,800 (approximate) square foot single family home with an attached carport on the east side of the home approximately 540 square feet in area, and a pool located in the rear of the home.

The petitioner owns a 30-foot long camper trailer and a 20 foot-long Chevrolet Suburban which is used to pull the trailer. The trailer is currently kept in the back yard of the petitioner's home out in the open. The petitioner intends to construct an approximate 1,000 square-foot, open air, covered carport structure in the rear of property to house the truck and trailer. The petitioner states, the proposed carport structure cannot be placed at the required 40 foot rear yard setback while maintaining sufficient room to maneuver the combined length of the truck and trailer while loading the trailer into the carport. The petitioner indicates the carport must be placed a maximum of 25 feet from the rear property line in order to provide the proper radius movements. The petitioner has provided a letter from Knezevich & Associates, Consulting Engineers and Product Testing, which confirms that insufficient turning radius area would be available if the proposed carport were placed at the required 40 foot setback, and that a 25 foot rear yard setback would be sufficient to accommodate the necessary turning radius (see attached engineering letter).

Applicable Codes and Ordinances

Section 12-81, which requires a minimum rear yard setback of 40 feet within the R-1, Estate Dwelling District.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. This planning area includes the western section of the Town north of Orange Drive and south of SW 14th Street. The predominant existing and planned land use is single-family residential at a density of one dwelling per acre. This planning area contains

numerous small subdivisions of one dwelling lots. Several larger parcels are currently being platted, in preparation for marketing or development as estate residences. It is expected that this trend shall continue as the existing inventory of single-family lots is depleted.

Broward County Comprehensive Plan Considerations

This property falls within flexibility Zone 113. This request has no affect on Broward County concurrency as no increase in principal building area is proposed.

Staff Analysis

The petitioner has indicated that the purpose of this request is to provide for sufficient area in order to maneuver a toe hitch trailer into an accessory carport structure to be located at the rear of the property. Staff contacted the petitioner's engineer to verify what resource material was used to determine that a minimum 25 foot setback is necessary to accommodate a sufficient radius movement of the combined 50 foot length of the truck and trailer (see attached engineer's letter). The American Institute of Architecture, Architectural Graphics Standards, 7th Addition was used. For purposes of this request, staff has verified that this resource book is acceptable for purposes of radius movements for toe hitch vehicles by length.

Staff has visited the site an finds that guest houses, barns, storage shed buildings, and outside storage of boats and trailers are typical in the area. Staff also reviewed 1999 aerial photographs of the area and identified that the establish development pattern in the general area indicates accessory structures which are setback at close distances to the rear property lines, however, not in the immediate subject site area. These structures exist closer to the rear property line as they were subject to the since revised Town code which required only a 5 foot rear yard setback at the time.

The property directly to the east is vacant, the property to the south has horses and farm equipment on-site, the property to the west has a storage shed with various materials stored in the open, and the property to the north, across SW 24 Street, would be buffered from view of the proposed carport by the principal structure on the subject site. The petitioner has also provided signatures of some of the surrounding property owners who have no objection to this request (see attached signatures).

Staff believes there may be technical hardships which apply to this site for purposes of this request, due to limited maneuvering capabilities and building placement under existing site conditions, and that this request would not be injurious to the surrounding area. However, when applying the strict application of the code staff finds that this request can be considered to be self-created, and if denied the petitioner would still has reasonable use of the property.

Findings of Fact

Variances:

Section 12-309(B)(1):

(a) There are no special circumstances and conditions applying to the land and building for which the variance is sought; the circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district. Said circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land or building for which the variance is sought. The alleged hardship can be considered to be self-created.

(b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;

(c) Granting of the requested variance is not in harmony with the general purpose and intent of this chapter, although can be considered not to be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the negative, staff recommends **denial** of petition V 3-4-00.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the application as submitted subject to the applicant having the structure maintained as a carport and utility room only, and with landscaping being added along the east property line (motion carried 3-0, Mr. Stahl absent, April 26, 2000).

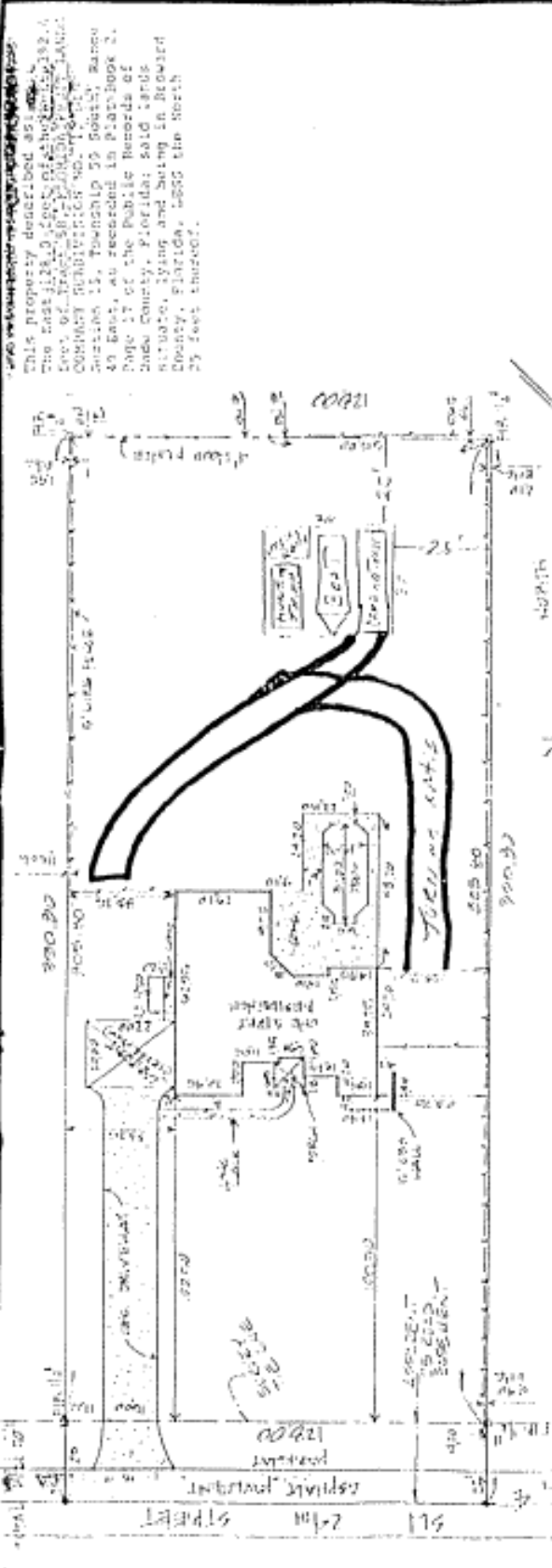
Exhibits

1. Plot Plan
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

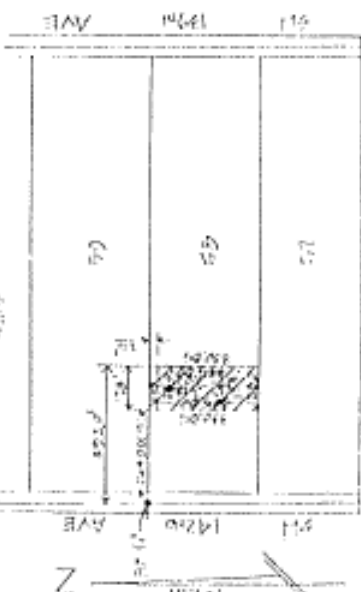
Reviewed by: _____

CORNELIUS



LOT 15
 15 BLVD. 31.75' DOWNS FROM TOLSON EASE ELEVATION
 ELEVATIONS FROM PIERCE TO N.C.V.D. 15.0' 15.0' ADJACENT
 GROSS ELEV. 7.10
 30' W. TO E. (BROWARD CO.) ELEV. 7.00'
 GARAGE ELEV. 7.10'

LOCATION TOLSON



PROPERTY OF CORNELIUS, FRANK AND CLAYTON, 11111 S.W. 24th Street, Dade County, Florida	
A. BROWARD COUNTY ENGINEER I hereby certify that the foregoing plat has been approved by me as being correct and in accordance with the laws of the State of Florida.	J. H. BROWARD COUNTY ENGINEER I hereby certify that the foregoing plat has been approved by me as being correct and in accordance with the laws of the State of Florida.
THIS PLAT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ON MAY 1, 1964, AT 10:00 A.M.	

This property described as above is located in the City of Miami, Dade County, Florida, and is subject to the following restrictions:
 1. The easement described as above is for the use of the public and is not to be used for any other purpose.
 2. The easement described as above is for the use of the public and is not to be used for any other purpose.
 3. The easement described as above is for the use of the public and is not to be used for any other purpose.



KNEZEVICH & ASSOCIATES, INC.

CONSULTING ENGINEERS • PRODUCT TESTING

V. John Knezevich, P.E.

John W. Knezevich, P.E.

March 28, 2000

Chief Building Official
Town of Davie
Orange Drive
Davie, Florida

Re: Cornelius Residence
14120 SW 24th Street
Davie, FL 33325

Dear Building Official

Knezevich and Associates, Inc. has reviewed the proposed carport location on the site plan for the subject residence. We would like to note the following facts:

1. The Cornelius's own a 30 foot trailer that they would like to park in the proposed carport
2. The Cornelius's own a 20' Chevrolet Suburban that they use to pull the above trailer.
3. Together they make up a tow package of more than 50' in length
4. The Architectural Standards for "Turning Radius" for a 48' tow package, like a fire truck is 48'.
5. If we assume a 40' rear setback and a 25' side setback, the 50' tow package cannot be maneuvered into the carport because the driving path requires two 48' radius curves (S Curve) which do not fit on the proposed site.
6. If we assume the rear and side setback is 25', the two 48' radius curves (S) curve, can be fitted into the site.

It is therefore our recommendation that the rear setback be reduced from 40' to 25' to allow a standard S curve made up of two 48' radius curves to serve as the access to the proposed carport.

If there are any questions regarding this letter, please contact the writer at Knezevich and Associates, Inc.

Sincerely,

V. John Knezevich, P.E.
President

V.J. KNEZEVICH, P.E., FL LICENSE # 10983
KNEZEVICH & ASSOC., INC., FL COA # 3205

1260 North University Drive, Suite 180, Fort Lauderdale, Florida 33322
Fort Lauderdale (954) 382-2800 Fax (954) 382-2989 Miami (305) 883-9571
Website: www.Knezevich.com E-Mail: KA@Knezevich.com



Frank S. Cornelius
14120 S. W. 24 Street
Davie, Florida 33325
(954)476-7061

Town of Davie
Variances/Special Permits 2000

To whom it may concern:

REASON FOR REQUEST: I would be unable to utilize a carport maintaining a standard 40 foot rear set back. I am requesting a 25 foot rear set back. Building the carport with a 25 foot set back will allow enough room to maneuver and turn a 30 foot camping trailer and a 25 foot boat around in order to be backed into the carport.

Please see attached survey with the turning ratio drawn on the survey in red pen. Also, on page two are the neighbors signature who's property adjoins ours who would have no problem with a 25 foot set back instead of the 40 foot set back. Thank you for your consideration in this matter.

 3/27/00
Frank S. Cornelius Date

Page 1 of 2



enter your property to haul away the above debris and in another regards for us to accomplish the above, which you have agreed verbally to do.

It is understood that these undertakings by each of us will serve as a complete general release between us as to these disputes and put an end to all problems as adjacent land owners.

Approved and agreed upon

Frank S. Cornelius Date

James W. Schuolsky 3-18-2000
James W. Schuolsky Date

Sharon Cornelius Date

Yvonne Moran 3-18-2000
Yvonne Moran Date

Frank S. Cornelius
14120 S. W. 24 Street
Davie, Florida 33325
(954)476-7061

Town of Davie
Variances/Special Permits 2000

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 4/2/00
Frank S. Cornelius Date

Agnes R. Kuegler

Agnes R. Kuegler
14190 S. W. 24 Street
Davie, Fl. 33325
(954)475-1280
West

Forrest and Karen Aylor 3/27/00

Forrest & Karen Aylor
14101 S. W. 24 Street
Davie, Fl. 33325
(954)473-1128
North

Juan & Carolyn Castro 3-27-00

Juan & Carolyn Castro
13951 S. W. 24 Street
Davie, Fl. 33325
(954)236-3681
Northeast

William & Lynn Anderson 3/25/00

William & Lynn Anderson
14101 S. W. 26 Street
Davie, Fl. 33325
(954)474-9966
Southeast

East - Vacant lot



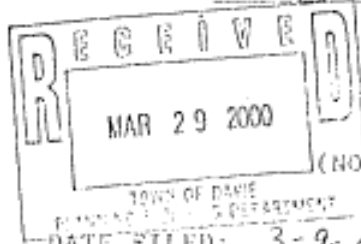
STING ZONING: R-1
SECTION:

LOSED ZONING:
ODE SECTION:

LAND USE DESIGNATION: Residential

FOLIO NUMBER 0015-01-0404

TOWN OF DAVIE USE ON	
PETITION NO.	<u>V 3-4-00</u>
FEE.	<u>\$ 400</u>
RECEIPT NO.	<u>6186</u>



TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

DATE FILED: 3-9-00

PHONE: (954) 476-7061

PETITIONER: FRANK S. CORNELIUS

MAILING ADDRESS: 14120 S.W. 24 Street

FAX: (954) 476-7061

RELATIONSHIP TO PROPERTY: Same

OWNER: FRANK S. CORNELIUS

MAILING ADDRESS: 14120 S.W. 24 Street

ADDRESS OF PROPERTY: Same

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

See SURVEY Attached

ACREAGE: 1 acre

REQUEST: Variance For Carport & Utility Room

REASON FOR REQUEST: (attach additional sheet as necessary)

See attached

* * * PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN * * *

OFFICE USE ONLY	
APPROVED AS TO FORM: <u>Jet</u>	PUBLICATION DATE: <u>4/19/00</u>
MEETING DATE: PLANNING AND ZONING BOARD: <u>Shooter</u>	TOWN COUNCIL: _____
NOTICES SENT: _____	REPLIES: FOR: _____ AGAINST: _____
UNDELIVERABLE: _____	

FRANK S. CORNELIUS
OWNER'S NAME(S)

Frank S. Cornelius
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

14120 S.W. 24 Street
ADDRESS

Davie, FL 33325
CITY, STATE, ZIP

(954) 496-7061
PHONE

Frank cell (305) 980-8110

The foregoing instrument was acknowledged before me
this 31 day of March, 1998, by
FRANK S. CORNELIUS who is personally
known to me or who has produced His
Driver's License 654-377-46-380
as identification and who did take an oath.

NOTARY PUBLIC:
Sign: Paul A. Lukyanov
Print: _____

My Commission Expires: _____



FRANK S. CORNELIUS
PETITIONER'S NAME

Frank S. Cornelius
PETITIONER'S SIGNATURE

14120 S.W. 24 Street
ADDRESS

Davie, FL 33325
CITY, STATE, ZIP

(954) 496-7061
PHONE

(given) cell: (305) 799-0210

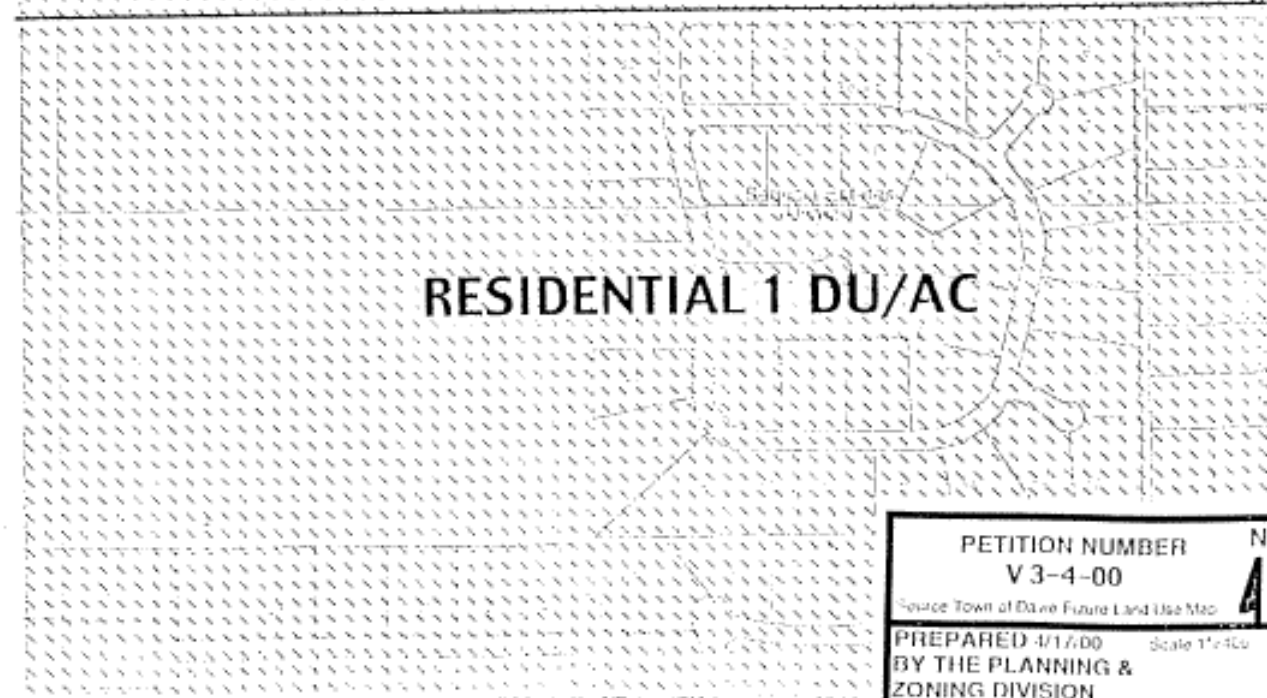
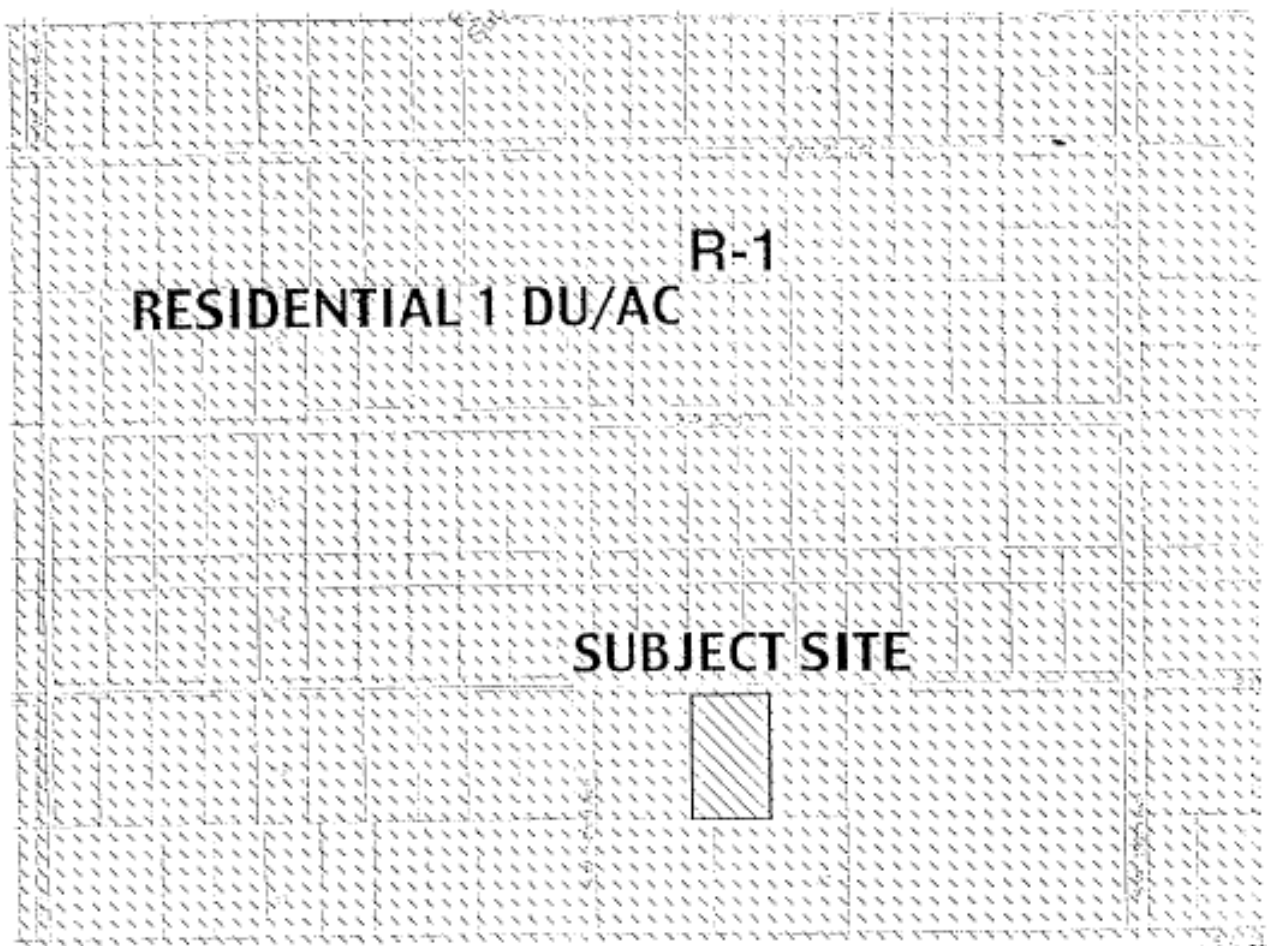
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FRANK S. CORNELIUS who is personally
known to me or who has produced His
Driver's License 654-377-46-380
as identification and who did take an oath.

NOTARY PUBLIC:
Sign: Paul A. Lukyanov
Print: _____

My Commission Expires: _____



OFFICE USE ONLY



PETITION NUMBER		N 4
V 3-4-00		
<small>Source: Town of Davis Future Land Use Map</small>		
PREPARED 4/17/00		Scale 1"=400'
BY THE PLANNING & ZONING DIVISION		

